

REMARKS/ARGUMENTS

The Applicants have carefully reviewed the Office Action dated October 30, 2007 and as a result have amended claim 15 to more particularly point out and define the present invention.

Applicant submits that all the amendments to the application are to more clearly and succinctly recite and claim the present invention. Amendments to claim 15 are supported throughout the application as originally filed and the specific language may be found starting on page 3 line 20. It is respectfully submitted that no new matter has been added by these amendments and all the amendments are supported by the original specification as a whole.

Favourable reconsideration of this application is respectfully requested in view of the above amendments and the following remarks.

The Examiner has rejected claims 15, 16, 18 - 21 and 27 as being unpatentable over Law et al. Further the Examiner has rejected claims 15, 16, and 18 -21 and 27 as being unpatentable over Law et al. in view of Tolles. The Examiner is requested to reconsider the rejection in view of the above amendments and the following comments.

It is respectfully submitted that Law et al. does not include all of the features of claim 15 as amended. It is respectfully submitted that there is nothing in Law or Tolles that suggest a pusher that is configured to push the pins of the replicating pad downwardly into the cell colonies extending upwardly from a compliant agar plate.

The substrate of Law is a rigid substrate and is not compliant and therefore the stamp of Law cannot be pushed such that a portion of the stamp is pushed into something that extends upwardly from the substrate. Since the purpose of Law is to print something onto the rigid substrate, this is quite different from the application herein wherein the

cell colony is being deposited onto the compliant substrate. In order to pick up the cell colony from the compliant substrate the pins of the replicating pad are pushed into engagement with the cell colony that extends upwardly from the compliant agar plate and the replicating pad is pushed downwardly once it has been positioned in the predetermined location on the agar plate so as to achieve this. Thereafter the cell colony is picked up and deposited onto another compliant agar plate by bringing the pins of the replicating pad into engagement with the compliant agar plate and the replicating pad is pushed downwardly once it has been positioned in the predetermined location on the agar plate so as to achieve this.

The Law et al. device is for microcontact printing. The device uses a stamp to transfer a precursor to a substrate. The precursor functions either as autocatalytic sites for plating or as a mask for selectively preventing plating of the substrate. The substrate in Law is a rigid substrate onto which a pattern is printed.

In contrast, in the application herein wherein cell colonies are being replicated, the agar plate is compliant. Further as discussed in the application as filed on page 7 lines 6 to 11 the thickness and the surface attitude of the agar may vary slightly from plate to plate. In use the system described herein uses replicating pads that are pushed into the cell colonies on the compliant agar plate after the replicating pad has been brought into contact with the agar plate. Accordingly the device as claimed in claim 15 includes a positioning device for lifting, lowering and moving the gripper to a predetermined location and in addition the device includes a pusher so configured as to push the replicating pad downwardly whereby the pins of the replicating pad are pushed into the cell colonies on the compliant agar plate and whereby the replicating pad is pushed downwardly once the replicating pad has been positioned in the predetermined location on the agar plate.

As stated in the application, since the agar is poured into the plastic plates as a liquid, the agar surface is essentially flat. However, for practical reasons agar thickness and its

surface attitude (tilt) may vary slightly from plate to plate. Therefore, the replicating pad needs to be adapted to varying height and tilt of the agar surface such that all pins of the flat replicating pad will come in contact with the agar surface. The present invention as claimed in claim 15 allows for these variations by having a device that positions the pad on the agar plate and then pushing it into the cell colonies.

This is quite different from the device shown in Law et al. Specifically there is no reason why the Law device would want to push a released pad into a rigid substrate. Further there is nothing in Law that would teach, suggest or motivate a skilled person to modify the Law et al. device to include a pusher whereby the pins of the replicating pad are pushed into engagement with the compliant agar plate. Accordingly it is respectfully submitted that amended claim 15 and all claims dependent thereon are patentable over Law et al.

The Tolles patent is directed to a carrier head for use with a chemical mechanical polishing system. Specifically Tolles is directed to a carrier head that includes a layer of conformable material. Accordingly even if Tolles is combined with Law the combination does not disclose the invention as claimed in claim 15 as amended. Specifically it is submitted that there is nothing in Tolle that shows a device that pushes pins or a replicating pad into a cell colony extending upwardly from a compliant agar plate. Accordingly it is respectfully submitted that the invention as claimed in amended claim 15 and all claims dependent thereon is patentable over Law in view of Tolles.

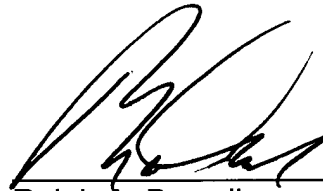
Accordingly it is respectfully submitted that the amended claims herein are patentable over Law and are patentable over Law in view of Tolles.

It is respectfully submitted that the application is now in condition for allowance, which is requested.

Respectfully submitted,

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By: _____



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